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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR-04-20198-JF
Plaintiff,) STIPULATION AND [PROPOSED]
v.) ORDER CONTINUING DATE FOR
TRIEU LAM) STATUS CONFERENCE AND
Defendant.) EXCLUDING TIME FROM JANUARY 20,
) 2010 TO FEBRUARY 24, 2010 FROM
) CALCULATIONS UNDER THE SPEEDY
) TRIAL ACT

Defendant Trieu Lam (“Lam” or “defendant”) and plaintiff United States of America, hereby stipulate as follows:

1. The above-captioned case is a trade secret case in which there are thousands of pages of discovery. There are outstanding discovery issues. Defendant Lam and the government have entered into a stipulated protective order to facilitate the discovery of confidential information. Based upon an analysis of that information and ongoing discussions between the parties, the government has proposed a potential disposition that would require additional investigation. The defense needs additional time to complete its investigation concerning the government's proposed disposition and respond to that proposal.

2. The defendant understands and agrees to the exclusion of time from calculations under

**STIP & [PROPOSED] ORDER CONT.
STATUS CONFERENCE AND EXCLUDING TIME
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1 the Speedy Trial Act, 18 U.S.C. § 3161, for the period from January 20, 2010 to February 24,
2 2010, based upon the need for the defense counsel to analyze the confidential information and
3 investigate further the facts of the present case. Defense counsel needs additional time to
4 investigate the facts of this case and evaluate further possible defenses and motions available to
5 the defendant. In addition, defense counsel has proposed a potential disposition and the
6 government needs additional time to investigate and consider the proposal. The government
7 anticipates that it will have its investigation completed by February 24, 2010.

8 3. A status conference will not be meaningful until after defendant Lam has had an
9 opportunity to complete his investigation. The parties agree that the status conference currently
10 scheduled for January 20, 2010 and should be continued to February 24, 2010 at 9 a.m.

11 4. The attorney for defendant Lam joins in the request to exclude time under the Speedy
12 Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is
13 necessary for continuity of counsel, effective preparation of the defense; believes the exclusion is
14 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial
15 Act, 18 U.S.C. § 3161, should be for the period from January 20, 2010 to February 24, 2010..

16 Given these circumstances, the parties believe, and request that the Court find, that the
17 ends of justice are served by excluding the period from January 20, 2010 to February 24, 2010,
18 from calculations under the Speedy Trial Act and that the requested exclusion outweighs the best
19 interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. §
20 3161(h)(8)(A) & (B)(iv).

21 IT IS SO STIPULATED.

22 DATED: 12/15/10

JOSEPH P. RUSSONIELLO
United States Attorney

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/s/ Hanley Chew _____
HANLEY CHEW
Assistant United States Attorney

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DATED: 12/15/10

/s/ Steven R. Manchester _____
STEVEN R. MANCHESTER
Attorney for defendant Trieu Lam

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[PROPOSED] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from January 20, 2010 to February 24, 2010, based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from calculations under the Speedy Trial Act the period January 20, 2010 to February 24, 2010.

Accordingly, the Court further orders that (1) the status conference set for January 20, 2009 is vacated and that the next appearance date before this Court is scheduled for February 24, 2010 at 9:00 a.m.; and (2) the period from January 20, 2010 to February 24, 2010 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO ORDERED.

DATED: 1/20/10


THE HONORABLE JEREMY FOGEL
UNITED STATES MAGISTRATE JUDGE
DISTRICT

**STIP & [PROPOSED] ORDER CONT.
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